

1 Ronald L. Richman, SBN 139189
2 Susan J. Olson, SBN 152467
3 BULLIVANT HOUSER BAILEY PC
4 601 California Street, Suite 1800
5 San Francisco, California 94108
E-mail: ron.richman@bullivant.com
E-mail: susan.olson@bullivant.com
Telephone: 415.352.2700
Facsimile: 415.352.2701

6 | Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 BOARD OF TRUSTEES OF THE CEMENT
12 MASON'S HEALTH AND WELFARE TRUST
13 FUND FOR NORTHERN CALIFORNIA;
14 BOARD OF TRUSTEES OF THE CEMENT
15 MASON'S VACATION-HOLIDAY TRUST
16 FUND FOR NORTHERN CALIFORNIA;
17 BOARD OF TRUSTEES OF THE CEMENT
18 MASON'S PENSION TRUST FUND FOR
19 NORTHERN CALIFORNIA; and BOARD OF
20 TRUSTEES OF THE CEMENT MASON'S
21 TRAINING TRUST FUND FOR NORTHERN
22 CALIFORNIA,

Case No.: C 07 2842 BZ

**STIPULATION FOR DISMISSAL OF
BREACH OF FIDUCIARY DUTY CAUSE
OF ACTION; ORDER THEREON**

Plaintiffs,

VS.

19 NEIL JACKSON CONSTRUCTION, a
20 California company, formerly known as KM
21 JACKSON ENGINEERING, a California
company; and NEIL JEFFERY JACKSON, an
Individual.

Defendants.

24 BOARD OF TRUSTEES OF THE
25 LABORERS HEALTH AND WELFARE
26 TRUST FUND FOR NORTHERN
27 CALIFORNIA; BOARD OF TRUSTEES OF
28 THE LABORERS VACATION-HOLIDAY
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS PENSION TRUST FUND
FOR NORTHERN CALIFORNIA; and
BOARD OF TRUSTEES OF THE
LABORERS TRAINING AND RETRAINING

Case No.: C 07 2843 BZ

1 TRUST FUND FOR NORTHERN
2 CALIFORNIA,

3 Plaintiffs,

4 vs.

5 NEIL JACKSON CONSTRUCTION, a
6 California company, formerly known as KM
7 JACKSON ENGINEERING, a California
8 company; and NEIL JEFFERY JACKSON, an
Individual,

9 Defendants.

STIPULATION

10 IT IS HEREBY STIPULATED by and between Plaintiffs Board of Trustees of the
11 Cement Masons Health and Welfare Trust Fund for Northern California, Board of Trustees of
12 the Cement Masons Vacation-Holiday Trust Fund for Northern California, Board of Trustees of
13 the Cement Masons Pension Trust Fund for Northern California and Board of Trustees of the
14 Cement Masons Training Trust Fund for Northern California, on the one hand, and Defendants
15 Neil Jackson Construction, a California company and Neil Jeffery Jackson, an individual, and
16 each of them, on the other hand, that the Third Claim For Relief, Breach of Fiduciary Duty, be
17 dismissed, with prejudice, as against all Defendants.

18 DATED: December 7, 2007

19 Plaintiffs

20 By: John J. Hagan

21 Its: A/R MANAGER

22 DATED: December 6, 2007

23 Neil Jackson Construction, a California
24 Company

25 By: N. Jackson

26 Its: _____

27 DATED: December 6, 2007

28 By: Neil Jeffery Jackson
Neil Jeffery Jackson

1 The undersigned counsel have advised their clients regarding this Stipulation and have
2 approved it as to form.

3 DATED: December 6, 2007

4 BULLIVANT HOUSER BAILEY PC

5
6
7 By Ronald L. Richman
8 Ronald L. Richman
Attorneys for Plaintiffs

9 DATED: December 6, 2007

10 GANZER & WILLIAMS

11
12 By James E. Ganzer
13 James E. Ganzer
14 Attorneys for Defendants

15
16
17 **ORDER**

18 The parties having so Stipulated:

19 IT IS HEREBY ORDERED that the Third Claim For Relief, Breach of Fiduciary Duty,
20 be dismissed, with prejudice, as against all Defendants.

21 Dated: _____, 2007

22
23 Hon. Bernard Zimmerman
24 United States Magistrate Judge
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